

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
v.	:	07 Cr. 776 (RJH)
	:	
JOSE TERRAZAS,	:	
	:	
Defendant.	:	
	:	
-----	X	

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Affirmation of Steven R. Peikin in Support of Defendant's Motion To Dismiss the Indictment, sworn to on the 23rd day of January, and the accompanying Memorandum of Law, defendant Jose Terrazas, by his undersigned attorney will move this Court at the Southern District of New York Courthouse, 500 Pearl Street, New York, New York, on the 23rd day of January, 2008 or as soon thereafter as counsel can be heard, for an order that pursuant Federal Rule of Criminal Procedure 12(b), that the Indictment against Jose Terrazas be dismissed with prejudice because the false statements allegedly made by defendant were immaterial as a matter of law, and materiality is an element of the offenses charged in the Indictment.

Dated: New York, New York
January 23, 2008

Respectfully submitted,

[SP 0246]

Steven R. Peikin
125 Broad Street
New York, New York 10004-2498

Attorney for Defendant

cc: AUSA Adam Hickey